

Bill 168 – Domestic Violence(DV)

Employers **SHALL** take reasonable precautions to protect the worker where they are aware, or ought reasonably to be aware, that an act of domestic violence is likely to endanger a worker at the workplace.

70% of individuals suffering from DV are victimized at work (harassing phone calls, showing up at work)

Source: Swenberg and Logan study (2005)



Bringing Violence Into the Workplace

Domestic violence can have a significant impact on workplace safety.

When an employee is in an abusive relationship, it is not uncommon for the abuser to seek out the abused partner at work, endangering not only the victim but possibly co-workers as well.



Bill 168 – Violent Behaviour

Imposes a duty on employers and supervisors to provide workers with information related to workplace violence risks from persons with a history of violent behaviour.

This duty is triggered if the worker can be expected to encounter that person in the course of his/her work, and *'if the risk of workplace violence is likely to expose the worker to physical injury.'*

This disclosure of such information is limited to that which is reasonably necessary to protect workers from physical injury.

Bill 168 – Right to Refuse Unsafe Work

Bill 168 extends Section 43 of the Occupational Health and Safety Act, which gives workers the right to refuse work in various circumstances, to include the right to refuse or stop work in situations of workplace violence. The usual work refusal process would be initiated, including an investigation by the employer and, potentially, a Ministry of Labour inspector.

Sexual Harassment

Form of gender discrimination.

Offensive, degrading, unwelcome conduct of a sexual nature that detrimentally affects the work environment or leads to adverse job related consequences for the victim of the harassment.



Personal Harassment

Unwanted, unwelcome acts of coercion, or misuse of power or authority.

Includes annoying, distressing behaviour through repeated and hostile or unwanted conduct, verbal comments, email, threats, actions or gestures. May affect a persons' dignity, personal integrity and may result in a harmful or poisonous workplace environment.

Does not include properly discharged supervisory duties!



Non-Verbal Harassment

A display of racist or offensive pictures, drawings, signs and/or posters. Includes offensive gestures, physical assault and electronic assault.



Verbal Harassment

Includes but is not limited to unwelcome remarks about a persons' appearance, their personal life, jokes, taunting or name calling.



Workplace Violence Policy Co-ordinator (WVPC)

The Executive Director of Human Resources is designated as the Workplace Violence Policy Co-ordinator.

He/She is tasked with making the final determination regarding the Recommendations suggested in the final Violence and Harassment Investigation.

What to do if I'm a Victim of Violence or Harassment?

Step 1:

If you feel comfortable enough, confront the person and ask them to stop.

Step 2:

If you're not comfortable enough or if the behaviour continues, seek advice from your supervisor.



Step 3:

If behaviour does continue, complete a formal complaint form.



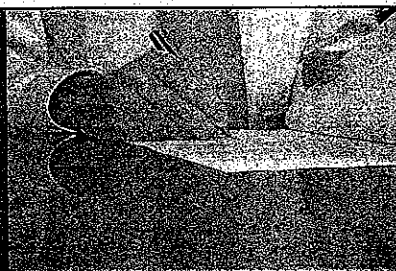
Step 4:

Investigation begins. Will speak to both sides of the complaint and any witnesses. Always consider privacy, confidentiality and employee rights. Possibility of an informal resolution is suggested.



Step 5:

Summarize all statements and notes and provide to Supervisor of Health and Safety. Supervisor will, without prejudice, prepare a report to present to the Workplace Violence Policy Co-ordinator (WVPC).



Step 6:

WVPC meets with the accused and their representative and discusses what actions will be taken. This may include training, discipline or dismissal.



What is an Informal Resolution?

An informal, mediated meeting with both parties, to resolve the situation. Both parties must agree to this process. If not, the complainant can proceed to file a formal complaint, which will initiate an official investigation.



Assault

An intentional attempt, threat or act of applying force to another person, directly or indirectly without that person's consent. Includes sexual assault or threats to a third party.



Retaliation

Action taken against an employee as a form of intimidation as an attempt to pressure the employee into withdrawing his/her complaint or statement about an incident. Includes making a false or malicious report against another employee. Acts of retaliation will be treated as independent acts of workplace violence and will be dealt with under this policy.



Malicious Complaint

Complaints made under this policy which were known to be untrue at the time they were made. Sometimes used as a form of retaliation. A complaint of this nature may result in disciplinary measures up to and including termination.



Protecting Employees

The details of the violence or harassment will dictate what actions will be taken.

The Corporation may:

- through our Legal Department, obtain a restraining order against an individual.
- advise others in the workplace to be cautious.
- make changes to the worksite.
- offer training and/or the services of the Employee Family Assistance Program.



Employee Responsibility

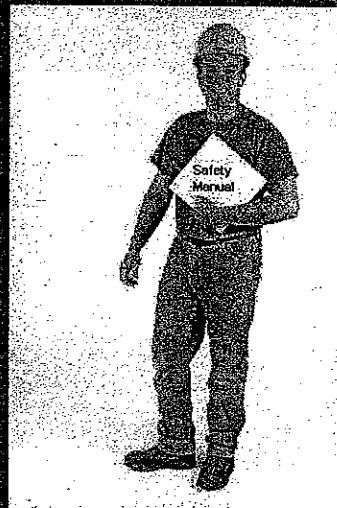
Assist the employer in maintaining a respectful, inclusive workplace free of violence, harassment or discrimination.

Do not participate in any harassing behaviour.

Report any form of harassment.

Work in a safe, healthy and non-violent manner.

OHSA states it is a duty of an employee to report any hazards, safety issues or concerns in the workplace – including WV!



Employer Responsibility

Take every precaution reasonable in the circumstance to protect the worker.

Maintain a violence and harassment-free workplace.

Encourage all employees to report violence and/or harassment.

To respond to all reported incidents.

To post the WV Policy and ensure that, through training, all employees are aware of and understand it.

Ensure all supervisors and managers understand their responsibility in preventing and dealing with workplace violence and harassment.



Top Down Commitment

A 'Top-Down' commitment to the Workplace Violence and Harassment Policies and Procedures is essential in setting the tone for the organization and often proves indispensable to an organizations successful tackling of this issue.



Corporate Cost?

Costs associated with prevention will be lower than the costs that violence exacts in the form of lost productivity, disrupted business activity, damaged morale and medical and legal expenses.

From April 1, 2008 to March 31, 2009, Ontario Ministry Of Labour Inspectors made 417 field visits and issued 351 orders related to violence in the workplace.

In 2007, there were 2150 allowed lost-time claims from assaults, violent acts and harassment, in Ontario.

What Can the City Hope to Achieve?

Mutual respect, compliance with all applicable legislation, consideration for all collective agreements, availability of informal resolutions, privacy, confidentiality, no retaliation.



